

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. By this amendment, claims 1-19 have been amended. A new Abstract is attached as a separate page. Reconsideration and allowance of the present application based on the above amendments and following remarks are respectfully requested.

The claimed invention relates to a telecommunication method and a receiving apparatus for enabling the telecommunication method. The receiving apparatus corresponds to a telecommunications mobile device that comprises an identification card, a radio receiver and/or a television receiver, as well as mobile radio components through which the telecommunications mobile device is operative in a mobile radio network. Through the identification card, a user of the telecommunications mobile device can be automatically identified. The radio receiver enables the telecommunications mobile device to receive information via a radio channel and the television receiver enables the telecommunications mobile device to receive information via a broadcast channel.

The telecommunications mobile device is capable of receiving digital data, transmitted over a broadcast channel as program-accompanying data in a media program. The received digital data may include applets which can be executed by the telecommunications mobile device. The received information may be displayed on a display of the telecommunications mobile device. The display may be selective according to a relevant user profile. The displayed interface facilitates interactions with the user, during which the user may enter a command. Based on the user's command, the telecommunications mobile device prepares a message, which includes at least one data field from the received digital data and the identification of the user

determined from the identification card, and sends the prepared message via a mobile radio network.

In the Office Action, dated October 23, 2002, the Examiner rejected claims 1-3, 5-15, and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (U.S. Patent No. 5,684,526) further in view of Jonstromer (U.S. Patent No. 6,142,369) and Diehl et al. (U.S. Patent No. 5,173,589). The rejection is respectfully traversed.

As recited in the amended claims 1 and 14, the claimed invention relates to a telecommunication method (amended claim 1) enabled through a telecommunications mobile device (amended claim 14). According to claims 1 and 14, the telecommunications mobile device comprises an identification card, through which a user of the telecommunications mobile device is identified, mobile radio components, through which the telecommunications mobile device is operative in a mobile radio network, a radio receiver and / or a television receiver. Through its receiver(s), the telecommunications mobile device receives digital data, transmitted via a broadcast channel as program-accompanying data in a media program. The telecommunications mobile device, through its reproducing means, displays the received information on a display, through which a user is allowed to enter a command. According to the entered command, a message is prepared, through a message-preparing means of the telecommunications mobile device, wherein the prepared message includes a data field of the received digital data as well as an identification of the user determined automatically from the identification card of the telecommunications mobile device. The message is subsequently sent via a mobile radio network.

Yoshinobu teaches a remote control transmitter (300, see column 5, lines 59 and 60, column 4, lines 49 and 50, and column 4, lines 53 and 54, see also Fig. 2 and Fig. 3) for one-way communication from the remote control transmitter to a

transmitting apparatus (400, see Fig. 2 for the one-directional arrow between 300 and 400, column 6, lines 2-5, column 6, lines 6-8), preferably by means of infrared radiation (see Fig. 2, column 6, lines 9-14). Identification information manually entered by a user via the remote control transmitter is transmitted from the remote control transmitter to an interface system (400) over a telephone line and subsequently to a pre-determined destination (column 6, lines 28, 29).

Yoshinobu discloses neither a telecommunication method nor a receiving apparatus that enables the telecommunication method. Yoshinobu does not disclose a telecommunications mobile device containing either a radio receiver and/or a television receiver. In addition, the remote control transmitter taught by Yoshinobu does not include any mobile radio component. Therefore, the remote control transmitter there can not operate in a mobile radio network. Furthermore, as correctly pointed out by the Examiner, Yoshinobu does not disclose a telecommunications mobile device that includes an identification card capable of automatically identifying the user of the device.

The remote control transmitter taught by Yoshinobu includes neither a means to receive digital data transmitted as program-accompanying data in a media program via a broadcast channel nor a reproducing means to display information received via a broadcast channel. According to Yoshinobu, a user has to manually enter the identification information associated with a broadcast program (see column 5, line 65, column 6, line 2), observed by the user from a separate television set (see column 6, lines 17-20). Additionally, Yoshinobu does not teach a message-preparing means, through which a message can be generated based on a user entered command using data fields from received digital data and through which the message can be sent via a mobile radio network.

Therefore, Yoshinobu does not teach or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, where the telecommunications mobile device contains an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, displaying the received digital data on a display, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card.

The Examiner indicated that one skilled in the art would be able to move the components of the interface system (i.e., transmitting apparatus 400) into the wireless device (i.e., the remote control transmitter 300) in Yoshinobu so that the wireless device can communicate directly with the TV/radio broadcast and phoen network if needed. The Applicant respectfully submits that moving the components of the interface system to the wireless device results in a remote controal transmitter wired to the telephone line (column 6, lines 28 and 29, the marked LINE in Fig. 2). Such integration does not produce the features recited in claims 1 and 14. That is, it results in neither a telecommunication method as recited in claim 1 nor a telecommunications mobile device as recited in claim 14.

Jonstromer does not remedy the deficiencies of Yoshinobu. Appilicant respectfully submits that Jonstromer merely teaches a mobile telephone that uses a smart/SIM card to identify a user. Jonstromer fails to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, where the telecommunications mobile device contains mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing

means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, displaying the received digital data on a display, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Jonstromer in view of Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Diehl et al. do not remedy the deficiencies of Yoshinobu. Appillicant respectfully submits that Diehl et al. merely teach a process of instantaneous confirming of actions in relation to television programs and device for use of the process. According to Diehl et al., a receiver and a smart card are used to interact with a television program, where the receiver is not a mobile device. Diehl et al. fail to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, where the telecommunications mobile device contains an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, displaying the received digital data on a display, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Diehl et al. in view of Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14. It is not obvious for one with ordinary skill in the art to devise the claimed method and apparatus from disclosures by Yoshinobu, Jonstromer, and Diehl et al.

Therefore, the Applicant respectfully requests that the rejection of claims 1 and 14 under 35 U.S.C. §103(a) be withdrawn.

Claims 2, 3, and 5-13 depend from claim 1. Consequently, claims 2, 3, and 5-13 are patentable at least for the reasons stated above with respect to claim 1 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claims 2, 3, 5-13 under §103(a) be withdrawn.

Claims 17-19 depend from claim 14. Consequently, claims 17-19 are patentable at least for the reasons stated above with respect to claim 14 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claims 17-19 under §103(a) be withdrawn.

Claims 4 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu and Jonstromer as applied to claims 14 and 15, and further in view of Alperovich et al. (U.S. Patent No. 6,138,002). The rejection is respectfully traversed. The combination of Yoshinobu, Jonstromer, and Alperovich et al. fails to teach or suggest all the features recited in rejected claims.

As stated above, the combination of Yoshinobu and Jonstromer fails to teach or suggest all the features recited in claims 1 and 14. Alperovich et al. do not remedy the discussed deficiencies. Alperovich et al. disclose a system that allows a mobile station (MS) or a SIM card within the MS to receive information from air interface to determine current time period, e.g., peak or off-peak, for a subscriber based on broadcast system date and time prior to answering or placing a call on the mobile terminal. Although Alperovich et al. teaches the use of a Java script to be executed on the SIM card, Alperovich et al. fail to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, where the telecommunications mobile device contains mobile radio components, radio

receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, displaying the received digital data on a display, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Alperovich et al. in view of Yoshinobu and Jonstromer fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Claim 4 depends from claim 1. Consequently, claim 4 is patentable at least for the reasons stated above with respect to claim 1 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claim 4 under §103(a) be withdrawn.

Claim 16 depends from claim 14. Consequently, claim 16 is patentable at least for the reasons stated above with respect to claim 14 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claim 16 under §103(a) be withdrawn.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned "**Version with markings to show changes made**".

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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Attachments: Appendix
Abstract

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (*Amended*) A [T]telecommunication method, comprising [the following steps]:

receiving by [means of a suitable] a telecommunications mobile device [(9), which contains] containing a radio receiver and/or a television receiver therein, digital data [(5)], transmitted [sent out] over a broadcast channel [(7, 8), which data are transmitted] as program-accompanying data [(5)] in a media program [(4)], wherein the telecommunications mobile device [including] includes an identification [(94)] card by which a [the] user of the telecommunications mobile device [(9)] is identified[,];

displaying information, corresponding to the received digital data, on a display [(90)] of the telecommunications mobile device [(9),];

entering [of] a command by the user[,];

preparing a message corresponding to the entered command, the prepared message including at least one data field [(521, 522, 524)] from the received digital data [(5) received] and an identification of the user determined from the identification card[,]; and

sending the prepared message over a mobile radio network [(8)].

2. (*Amended*) The [T]telecommunication method in accordance with claim 1, wherein said media program [(4)] is reproduced by the telecommunications mobile device [(9)].

3. (Amended) The [T]telecommunication method in accordance with claim 1, wherein the displayed information contains at least one menu from which a command can be selected.

4. (Amended) The [T]telecommunication method in accordance with claim 1, wherein the digital data [can] contains applets [(50)] which are executed by the telecommunications mobile device [(9)].

5. (Amended) The [T]telecommunication method in accordance with claim 1, wherein, when [the] components needed for processing and displaying [these data] information are switched off, the received digital data [received are] is temporarily stored in a buffer and not processed until the[se] components are switched on.

6. (Amended) The [T]telecommunication method in accordance with claim 1, wherein the received digital data [received are] is packed in messages [(5)] which are first evaluated in order to determine whether [they] the messages are to [must] be displayed.

7. (Amended) The [T]telecommunication method in accordance with claim 6, wherein the received messages [(5)] which are not of interest to the user are sorted out with the aid of a user profile stored in the memory of the telecommunications mobile device [(9)].

8. (Amended) The [T]telecommunication method in accordance with claim 1, wherein the digital data [(5) are] is transmitted in a radio channel [(7)].

9. *(Amended)* The [T]telecommunication method in accordance with claim 1, wherein the digital data [(5) are] is transmitted in a TV channel [(7)].

10. *(Amended)* The [T]telecommunication method in accordance with claim 1, wherein the prepared message is a SMS message.

11. *(Amended)* The [T]telecommunication method in accordance with claim 1, wherein the prepared message is a USSD message.

12. *(Amended)* The [T]telecommunication method in accordance with claim 1, wherein the prepared message is signed.

13. *(Amended)* The [T]telecommunication method in accordance with claim 1, wherein the prepared message is encrypted.

14. *(Amended)* A [T]telcommunications mobile device [(9)] comprising mobile radio components, through which [by means of which] the telecommunications mobile device [(9) can be] is operative [utilized] in a mobile radio network [(8)], [and which] the telecommunications mobile device [(9) comprises] including an identification card [(94) in order to identify] that is capable of identifying the user of the telecommunications mobile device [(9)], wherein [it] the telecommunications mobile device further comprises:

a radio receiver and/or a television receiver for receiving a media program [(4)], [sent out] transmitted over a broadcast channel [(7)], and program accompanying data [(5)];

reproducing means [(90, 95)] for playing back to the user the media program received[,]; and

message-preparing means for preparing and sending, over the mobile radio network [(8)], messages that include [including] at least one data field [(521, 522, 524)] from the program-accompanying data [(5)] and an identification of the user.

15. *(Amended)* The [T]telecommunications mobile device [(9)] in accordance with claim 14, wherein the mobile radio components [comprise] include a GSM mobile device.

16. *(Amended)* The [T]telecommunications mobile device [(9)] in accordance with [one of the claims 14 or] claim 15, wherein the identification card is a SIM card [(94)] capable of executing [the] applets [(50)] transmitted in the program-accompanying data [(5)].

17. *(Amended)* The [T]telecommunications mobile device [(9)] in accordance with [one of the claims 14 or] claim 15, wherein the message-preparing means are capable of preparing and sending SMS messages.

18. *(Amended)* The [T]telecommunications mobile device [(9)] in accordance with [one of the claims 14 or] claim 15, wherein the message-preparing means are capable of preparing and sending USSD messages.

19. *(Amended)* The [T]telecommunications mobile device [(9)] in accordance with [one of the claims 14 or] claim 15, further comprising a key [(92)] for causing information, corresponding to the digital data received, to be displayed on a display [(90)] of the telecommunications mobile device [(9)].